

YAKOV DRABOVSKIY,

V.

Respondent.

DEC 29 2010

PER W. E. P.  
DEPUTY CLERK

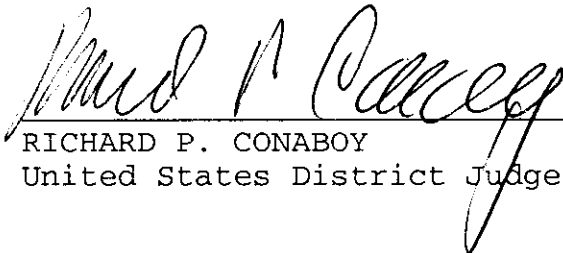
<sup>1</sup> Petitioner's assertion that *Magwood v. Patterson*, 130 S. Ct. 2788 (2010), supports this habeas petition because "[t]he limitations on a second or successive petition imposed by 28 USC 2244(b) apply only to the habeas corpus applications under 28 USC 2254" (Doc. 7 at 4), is unavailing in that the instant petition is barred by 28 U.S.C. § 2244(a). See *Graham v. Warden of FCI Allenwood*, 348 F. App'x 706, 707 (3d Cir. 2009) (not precedential); see also *Queen v. Miner*, 530 F.3d 253, 255 (3d Cir. 2008).

Because we conclude Petitioner's objections are without merit;  
and

Because Petitioner's "Motion" adding case support to his  
Petition (Doc. 7) does not lead to a different conclusion,

NOW, THEREFORE, THIS 29<sup>th</sup> DAY OF DECEMBER 2010, IT  
IS HEREBY ORDERED THAT:

1. Magistrate Judge Carlson's Report and Recommendation  
(Doc. 4) is adopted;
2. The Petition for Writ of Habeas Corpus (Doc. 1) is DENIED  
without prejudice; and
3. The Clerk of Court is directed to close this case.

  
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RICHARD P. CONABOY  
United States District Judge